

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

) INFORMATION

Plaintiff,

)

v.

) CASE NO.

FRANKLIN B. PRICE,

1 : 19 MJ 80081  
Title 42, Section 1320d-6(a)(3),  
and (b)(1), United States Code

Defendant.

MAG. JUDGE BAUGHMAN

COUNT 1

The United States Attorney charges:

1. FRANKLIN B. PRICE was a medical doctor licensed by the State of Ohio

Medical Board on or about July 31, 1967. PRICE specialized in oncology.

2. On or about November 1, 2014, PRICE filed Articles of Organization with the State of Ohio for Franklin B. Price, MD FACP, LLC. PRICE's primary practice location was 6559 Wilson Mills Road, Suite #107, Mayfield, Ohio.

3. PRICE operated as a health care provider, as defined by Title 42, United States Code, Section 1320d(3) and Title 45, Code of Federal Regulations, Section 160.103.

4. PRICE was a covered entity, as described in the Health Insurance Portability and Accountability Act ("HIPAA") privacy regulation, Title 42, United States Code, Section 1320d-9(b)(3). The patient records maintained at PRICE's office contained "individually identifiable

health information," and "protected health information," as defined by Title 42, United States Code, Section 1320d(6) and Title 45, Code of Federal Regulations, Section 160.103.

5. G.H. (known to the United States Attorney) was a pharmaceutical sales representative employed by Avanir Pharmaceuticals, Inc. G.H. was responsible for marketing the drug Nuedexta. G.H. was assigned to the Northern District of Ohio, Eastern Division, which included PRICE's practice.

6. In or around July 2015 through in or around July 2016, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant FRANKLIN B. PRICE did knowingly and without authorization, disclose and cause the disclosure of protected individually identifiable health information relating to an individual that was maintained by a covered entity, as defined in Title 45, Code of Federal Regulations, Section 160.13, to wit, PRICE disclosed and caused the disclosure of patient records to G.H. (known to the United States Attorney but not charged herein), and G.H. accessed patient records, containing protected individually identifiable health information at the offices of PRICE, a covered entity, without authorization from the patient.

In violation of Title 42, United States Code, Sections 1320d-6(a)(3), and (b)(1).

JUSTIN E. HERDMAN  
United States Attorney

By:

  
ROBERT W. KERN  
Chief, White Collar Crimes Unit